

2022 MAY 13 PM 2:02

STATE OF WASHINGTON

BY \_\_\_\_\_  
DEPUTY

IN THE COURT OF APPEALS  
OF THE STATE OF WASHINGTON DIVISION TWO

STATE OF WASHINGTON,

RESPONDENT,

V.

YOSHIO K. WHITE,

DEFENDANT,

NO. 56265-1-II

STATEMENT OF ADDITIONAL  
GROUND FOR REVIEW  
RAP 10.10

I, YOSHIO K. WHITE, HAVE RECEIVED AND REVIEWED THE OPENING BRIEF PREPARED BY MY ATTORNEY CATHERINE E. GLINSKI. SUMMARIZED BELOW ARE THE ADDITIONAL GROUNDS AND ARGUMENT THAT ARE NOT PROPERLY ADDRESSED IN THAT BRIEF. I UNDERSTAND THE COURT OF APPEAL'S WILL REVIEW THIS STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW WHEN MY APPEAL IS CONSIDERED ON THE MERITS.

ADDITIONAL GROUND 1

DEPUTY PROSECUTING ATTORNEY JOHN M. NEEB MISINTERPRETED THE LAW AND ABUSED HIS POWER WHEN HE ASKED THE COURT TO IGNORE THE CONTROLLING LAW FOR RESENTENCING BLAKELY, AND ASKED THE COURT TO SENTENCE DEFENDANT WHITE TO 472 MONTHS. THIS IS BECAUSE MR. NEEB STATED THE FOLLOWING: "AND I AM NOT ASKING THE COURT TO REIMPOSE 500 MONTHS. WHAT I'M ASKING THE COURT TO DO IS IMPOSE 472 MONTHS, AND THE REASON FOR THAT IS BECAUSE JUDGE HAYES IMPOSED 84 MONTHS, SEVEN YEARS HIGHER THAN THE HIGH END. I BELIEVE, WITHOUT READING THE TRANSCRIPT, THAT THE REASON FOR THAT IS ONE YEAR FOR EVERY ADDITIONAL SHOT. SEVEN YEARS ABOVE THE HIGH END OF 388 IS 472 MONTHS." (SEE VERBATIM REPORT OF PROCEEDINGS SEPTEMBER 21, 2021 PG. 13, LINES 16 - 22).

## ADDITIONAL GROUND 2

HONORABLE JUDGE PHILIP K. SORENSEN IGNORE THE CONTROLLING LAW FOR RESENTENCING BLAKELY, AND ABUSED HIS POSITION AND POWER FOR RESENTENCED WHITE TO A NEW EXCEPTIONAL SENTENCE OF 466 MONTHS. THE COURT STATES THE FOLLOWING: "OKAY. I BELIEVE I HAVE THE AUTHORITY TO IMPOSE AN EXCEPTIONAL SENTENCE ... I AM IMPOSING 466 MONTHS IN THE DEPARTMENT OF CORRECTIONS. (SEE VERBATIM REPORT OF PROCEEDINGS SEPTEMBER 21, 2021 PG. 29, LINES 13 - 25).

## ADDITIONAL GROUND 3

WHITE'S ATTORNEY MS. SARA ALAVI PROPERLY ADVISED THE COURT AND THE STATE OF THE CONTROLLING CASE FOR A NEW SENTENCING HEARING WHEN SHE STATED THE FOLLOWING: "HOWEVER, THE DIFFERENCE IS, YOUR HONOR, THAT IT'S NOT FINAL TODAY. MR. WHITE IS BACK HERE FOR A RESENTENCING HEARING. THEY'RE SAYING THAT BLAKELY IS NOT RETROACTIVE, BUT AS I MENTIONED, MR. WHITE IS HERE FOR HIS RESENTENCING, AND IT IS OUR POSITION THE LAWS IN EFFECT NOW APPLY TODAY AT MR. WHITE'S RESENTENCING HEARING TODAY. ALSO, I WOULD LIKE TO POINT THE COURT'S ATTENTION TO RCW 9.94A.537(2) AND (3), WHICH STATE THAT, "IN ANY CASE WHERE AN EXCEPTIONAL SENTENCE ABOVE THE STANDARD RANGE WAS IMPOSED AND WHERE A NEW SENTENCING HEARING IS REQUIRED, THE SUPERIOR COURT MAY IMPANEL A JURY TO CONSIDER ANY ALLEGED AGGRAVATING CIRCUMSTANCES, AND THOSE SHALL BE PROVED TO A JURY BEYOND A REASONABLE DOUBT, AND AGGRAVATING FACTORS MUST BE FOUND UNANIMOUSLY." (SEE VERBATIM REPORT OF PROCEEDINGS SEPTEMBER 21, 2021 PG. 15 LINES 9 - 22).

#### ADDITIONAL GROUND 4

BLAKLEY ENTITLES WHITE THE DEFENDANT TO ASK TO BE SENTENCED WITHIN THE STANDRAD RANGE OF 291 TO 388 MONTHS, ESPECIALLY, WHEN THE STATE AND COURT ASKED FOR THEIR OWN NEW EXCEPTIONAL SENTENCE. STATE ASKED THAT WHITE BE SENTENCED FROM 500 MONTHS TO 472 MONTHS A NEW EXCEPTIONAL SENTENCE. THE COURT SENTENCED WHITE FROM 500 MONTHS TO 466 MONTHS A NEW EXCEPTIONAL SENTENCE. WHITE CLEARLY PUT IT ON THE RECORD THAT BLAKLEY APPLIES AND ASKED TO BE SENTENCED TO THE HIGH END 388 MONTHS. (SEE VERBATIM REPORT OF PROCEEDINGS SEPTEMBER 21, 2021 PG. 29, LINE 8 - 12).

#### ADDITIONAL GROUND 5

WHITE IS ENTITLED TO ASK THAT HIS LEGAL FINANCIAL OBLIGATION BE WAIVE OR REDUCE, BECAUSE OF THE DEFENDANTS INABILITY TO PAY, AND THE COURT NEVER HAD A HEARING TO DETERMINE IF THE DEFENDANT COULD PAY OR NOT PAY. THE COURT HAS AUTHORITY TO WAIVE ALL INTEREST ON THE NON-RESTITUTION LFO'S THAT ACCRUED BEFORE JUNE 7, 2018 PURSUANT TO RCW 10.82.090(2)(A). WHITE WAS GIVEN \$7,015.42 AND MY CURRENT BILL FOR LFO IS \$33,032.85.

RESPECTFULLY, SUBMITTED THIS DAY 10 MAY, 2022.

Yoshio K. White  
DEFENDANT, PRO SE

YOSHIO K. WHITE  
633518 / H3-B-132  
STAFFORD CREEK CORRECTIONS CENTER  
191 CONSTANTINE WAY  
ABERDEEN, WA 98520

DECLARATION OF SERVICE BY MAIL  
GR 3.1

2022 MAY 13 PM 2:01

STATE OF WASHINGTON

I, YOSHIO K. WHITE, declare and say: DEPUTY

That on the 10 day of MAY, 2022 I deposited the following documents in the Stafford Creek Correction Center Legal Mail system, by First Class Mail pre-paid postage, under cause No. 56265-1-II:

STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW 3 PAGES;

DECLARATION OF SERVICE BY MAIL;

addressed to the following:

WASHINGTON STATE COURT OF APPEALS  
DIVISION TWO  
909 A STREET, SUITE 200  
TACOMA, WA 98402

CATHERINE E. GLINSKI  
GLINSKI LAW FIRM PLLC  
P.O. BOX 761  
MANCHESTER, WA 98353

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED THIS 10 day of MAY, 2022, in the City of Aberdeen, County of Grays Harbor, State of Washington.

Yoshio K. White  
Signature

YOSHIO K. WHITE

Print Name

DOC 633518 UNIT H3-B-132  
STAFFORD CREEK CORRECTIONS CENTER  
191 CONSTANTINE WAY  
ABERDEEN WA 98520